

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

Case No. 5:24-cv-00233-KDB-DCK

JUSTIN DRAKE, individually and on behalf of
all others similarly situated,

Plaintiff(s),

v.

COMMSCOPE TECHNOLOGIES, LLC,

Defendant.

MOTION TO DISMISS

Pursuant to Fed. R. Civ. P. 12(b)(6) and Rule 7.1 of the Local Rules of Civil practice and Procedure of the United States District Court for the Western District of North Carolina, Defendant CommScope Technologies, LLC (“CommScope” or the “Company”) respectfully moves to dismiss the Complaint filed by Plaintiff Justin Drake (“Drake” or “Plaintiff”). CommScope’s grounds for this motion are set forth in the accompanying Memorandum of Law in Support of Motion to Dismiss. CommScope respectfully requests that the Court dismiss Drake’s Complaint with prejudice in its entirety.

Respectfully submitted this 31st day of January, 2025.

s/ Tory Ian Summey

Tory Ian Summey

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Attorneys for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on this date, the foregoing **MOTION TO DISMISS** was electronically filed with the Clerk of Court using the CM/ECF system which will automatically send notification and serve same upon counsel of record via the Court's electronic case filing system.

This 31st day of January, 2025.

s/ Tory Ian Summey

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